

UNITED STATES DISTRICT COURT
for the
Southern District of Texas

United States Courts
Southern District of Texas
FILED

MAR 13 2019

David J. Bradley, Clerk of Court

United States of America)
v.)
Robert Velasquez)
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)
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Case No. 2:19-NJ-1051-1

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 1, 2018 to November 7, 2018 in the county of Nueces and Kleberg in the
Southern District of Texas, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 USC 2422 (b) &	Whoever, using the mail or any facility or means of interstate or foreign commerce, knowingly persuades, induces, entices, or coerces any individual who has not attained the age of 18 years, to engage in prostitution or any sexual activity, or attempts to do so.
18 USC 2251(a)	Any person who employs, uses, persuades, induces, entices, or coerces any minor to engage in sexually explicit conduct for the purpose of producing visual depictions of such conduct.

This criminal complaint is based on these facts:

See attached document titled, "Affidavit In Support of a Criminal Complaint"

Continued on the attached sheet.



Complainant's signature

Brandon Marshall, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 03/13/2019



B. Janice Ellington, U.S. Magistrate Judge

Printed name and title

City and state: Corpus Christi, Texas

Affidavit In Support of a Criminal Complaint

I, Brandon Marshall, being duly sworn, state as follows:

I. BACKGROUND OF AFFIANT

1. I am a Special Agent with the Federal Bureau of Investigation. I have been so employed since approximately May 2017.
2. As part of my duties as an FBI Special Agent, I investigate criminal violations related to offenses committed against the laws of the United States including, but not limited to, child exploitation and illegal production, distribution, receipt, and possession of child pornography. Through my training and experience I have become familiar with the tools used in the investigation of such violations, including undercover operations, surveillance, and conducting interviews of witnesses, informants, and others with knowledge of the offense. I have participated in the execution of multiple federal search warrants.

II. BASIS AND PURPOSE OF AFFIDAVIT

3. This affidavit is submitted for the limited purpose of establishing probable cause to support a criminal complaint charging that ROBERT VELASQUEZ violated Title 18 United States Code Section 2422(b), which makes it a crime to knowingly persuade, induce, entice, or coerce any individual who has not attained the age of 18 years, to engage in prostitution or any sexual activity for which any person can be charged with, or attempt to do so and Title 18 United States Code Section 2251(a), which makes it a crime to knowingly employ, use, persuade, induce, entice, or coerce any minor to engage in sexually explicit conduct for the purpose of producing visual depictions of such conduct.

4. The statements in this affidavit are based on my personal knowledge, and on information I have received from other law enforcement personnel and from persons with knowledge regarding relevant facts. Because this affidavit is being submitted for the limited purposes set forth above, I have not included each and every fact known to me concerning this investigation.

III. SUMMARY OF INVESTIGATION

5. The following information is in reference to title 18 U.S.C 2251 (a), production and manufacturing of child pornography.

6. On January 17, 2019, a Corpus Christi Police Department (CCPD) Detective received a National Center for Missing and Exploited Children (NCMEC) cyber tip which indicated a 32 year old male named ROBERT VELASQUEZ (VELASQUEZ) was engaged in inappropriate communication with a 15 year old female on Facebook Messenger. In the communications the minor requested that VELASQUEZ send her the pictures he had of her vagina. Three images were uploaded throughout this conversation. Communications were sent from VELASQUEZ's Facebook Messenger directly to the minor child's account and vice versa. One of the images intercepted by Facebook and provided to NCMEC depicted an adult male hand spreading apart the labia of a vagina. In the image, the adult man's hand is tattooed. A check of law enforcement databases revealed VELASQUEZ has the same tattoo pictured in the photo submitted to NCMEC.

7. On January 23, 2019, a CCPD Detective obtained and executed two arrest warrants for VELASQUEZ.

8. After the arrest, VELASQUEZ waived his Miranda Rights and agreed to be interviewed. During the interview, VELASQUEZ confirmed that he had been corresponding with someone he met through Facebook Messenger. VELASQUEZ was shown the pictures identified in NCMEC cyber tip of a tattooed hand spreading the apart the labia of a vagina. During the interview with a CCPD Detective and this Agent, VELASQUEZ confirmed the hand in the pictures was his and further stated he had taken the pictures using his cell phone. VELASQUEZ also confirms that the female he sent the photo to over Facebook Messenger was the female depicted in the photo.

9. Agents were able to identify the suspected minor female using her Facebook account name and birth date through school records. On February 26, 2019, Detectives and this Agent made contact with the victim, hereinafter VICTIM 1. VICTIM 1 confirmed that the vagina in the picture was hers and that VELASQUEZ had taken the photo. VICTIM 1 is 15 years old.

10. On January 22, 2019 a search warrant was obtained for VELASQUEZ's Facebook messages.

11. The search warrant returns were reviewed and revealed the following information in reference to title 18 U.S.C. 2422 (b), solicitation of a minor.

12. On June 6, 2018, VELASQUEZ sent a friend request to a Facebook profile belonging to a young female, hereinafter VICTIM 2.

13. VICTIM 2 accepted the friend request and VELASQUEZ began messaging her regularly.

14. On July 3, 2018 the Facebook messenger return shows VELASQUEZ was informed that VICTIM 2 was 11 years old, which he acknowledged.

15. VELASQUEZ continues to message VICTIM 2 requesting to meet her in person to engage in sexual activity. On August 13, 2018, VELASQUEZ did in fact meet VICTIM 2.

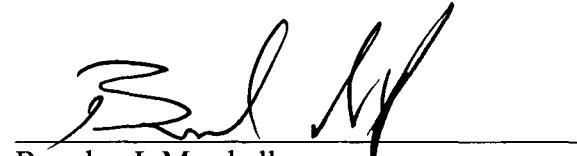
16. On August 14, 2018, the day after the meeting, VELASQUEZ apologizes to the victim stating, "I had a good time with u. Sorry it was so fast I was scared someone was gonna come lol."

17. On February 5, 2019, VICTIM 2 was interviewed at the Corpus Christi Child Advocacy Center. VICTIM 2 confirmed, VELASQUEZ first sent her a Facebook message in the summer of 2018 wanting to meet up. VICTIM 2 stated she had sex with VELASQUEZ 2 to 3 times total and confirmed that around August 14, 2018 VELASQUEZ had sex with VICTIM 2 in her home, as was reflected by the messages.

VI. CONCLUSION

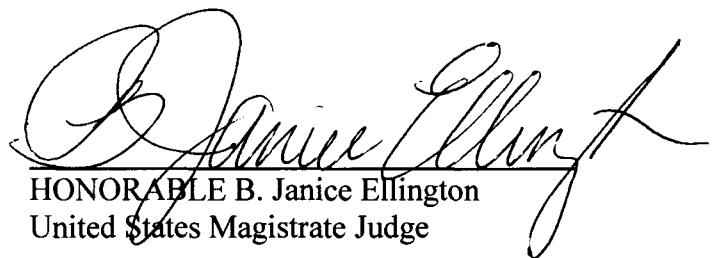
18. Based on the above information, I respectfully submit that there is probable cause to believe that ROBERT VELASQUEZ has violated Title 18 U.S.C. 2422(b) & 18 U.S.C. 2251(a).

FURTHER AFFIANT SAYETH NOT.



Brandon L Marshall
Special Agent
Federal Bureau of Investigation

Subscribed and sworn
Before me this 7th day of March, 2019



HONORABLE B. Janice Ellington
United States Magistrate Judge